

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	86744925
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 119
<b>MARK SECTION</b>	
<b>MARK</b>	http://tmng-al.uspto.gov/resting2/api/img/86744925/large
<b>LITERAL ELEMENT</b>	HEALTHEVOICES
<b>STANDARD CHARACTERS</b>	YES
<b>USPTO-GENERATED IMAGE</b>	YES
<b>MARK STATEMENT</b>	The mark consists of standard characters, without claim to any particular font style, size or color.
<b>ARGUMENT(S)</b>	
Please see the actual argument text attached within the Evidence section.	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_381247834-20160921101519104637_.86744925_Response_to_Final_Office_Action.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (3 pages)	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\867\449\86744925\xml1\RFR0002.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\867\449\86744925\xml1\RFR0003.JPG</a>
	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\867\449\86744925\xml1\RFR0004.JPG</a>
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_381247834-20160921101519104637_.86744925_Associate_Power_of_Attorney.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (1 page)	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\867\449\86744925\xml1\RFR0005.JPG</a>
<b>DESCRIPTION OF EVIDENCE FILE</b>	a Response to Final Office Action and Associate Power of Attorney
<b>ADDITIONAL STATEMENTS SECTION</b>	
<b>MISCELLANEOUS STATEMENT</b>	Associate Power of Attorney
<b>MISCELLANEOUS FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">mis-381247834-20160921101519104637_.86744925_Associate_Power_of_Attorney.pdf</a>
<b>CONVERTED PDF FILE(S)</b> (1 page)	<a href="#">\\TICRS\EXPORT17\IMAGEOUT17\867\449\86744925\xml1\RFR0006.JPG</a>
<b>SIGNATURE SECTION</b>	
<b>RESPONSE SIGNATURE</b>	/Melissa S. Dillenbeck/
<b>SIGNATORY'S NAME</b>	Melissa S. Dillenbeck
<b>SIGNATORY'S POSITION</b>	Attorney of record, Illinois bar member
<b>SIGNATORY'S PHONE NUMBER</b>	312-569-1459

DATE SIGNED	09/21/2016
AUTHORIZED SIGNATORY	YES
CONCURRENT APPEAL NOTICE FILED	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Wed Sep 21 10:40:04 EDT 2016
TEAS STAMP	USPTO/RFR-XX.XXX.XX.XX-20 160921104004989140-867449 25-5504d2d7122918f5549fe5 3a9b29bcd6e2e8344f6bc29a 1a7a83b77c6d403ce1ed-N/A- N/A-20160921101519104637

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PTO Form 1960 (Rev 10/2011)  
OMB No. 0651-0050 (Exp 07/31/2017)

## Request for Reconsideration after Final Action

### To the Commissioner for Trademarks:

Application serial no. **86744925** HEALTHEVOICES(Standard Characters, see <http://tmng-al.uspto.gov/resting2/api/img/86744925/large>) has been amended as follows:

#### ARGUMENT(S)

In response to the substantive refusal(s), please note the following:

Please see the actual argument text attached within the Evidence section.

#### EVIDENCE

Evidence in the nature of a Response to Final Office Action and Associate Power of Attorney has been attached.

##### Original PDF file:

[evi\\_381247834-20160921101519104637\\_. 86744925 Response to Final Office Action.pdf](#)

Converted PDF file(s) ( 3 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

##### Original PDF file:

[evi\\_381247834-20160921101519104637\\_. 86744925 Associate Power of Attorney.pdf](#)

Converted PDF file(s) ( 1 page)

[Evidence-1](#)

#### ADDITIONAL STATEMENTS

##### Miscellaneous Statement

Associate Power of Attorney

##### Original PDF file:

[mis-381247834-20160921101519104637\\_. 86744925 Associate Power of Attorney.pdf](#)

Converted PDF file(s) ( 1 page)

[Miscellaneous File1](#)

#### SIGNATURE(S)

##### Request for Reconsideration Signature

Signature: /Melissa S. Dillenbeck/ Date: 09/21/2016

Signatory's Name: Melissa S. Dillenbeck

Signatory's Position: Attorney of record, Illinois bar member

Signatory's Phone Number: 312-569-1459

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the owner's/holder's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the owner/holder in this matter: (1) the owner/holder has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the owner/holder has filed a power of attorney appointing him/her in this matter; or (4) the owner's/holder's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 86744925

Internet Transmission Date: Wed Sep 21 10:40:04 EDT 2016

TEAS Stamp: USPTO/RFR-XX.XXX.XX.XX-20160921104004989

140-86744925-5504d2d7122918f5549fe53a9b2

9bcd6e2e8344f6bc29a1a7a83b77c6d403ce1ed

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**TRADEMARK:** HEALTHEVOICES  
**APPLICANT:** Johnson & Johnson  
**SERIAL NO.:** 86/744925  
**EXAM. ATTORNEY:** Ann Sappenfield, Law Office 119

**RESPONSE TO FINAL OFFICE ACTION**

In the Final Office Action issued on March 21, 2016, the Examining Attorney requested that Applicant provide further specificity regarding the identification of services currently listed in Class 45, and made the requirement final. The description of services in Class 45 currently reads: *"Providing a website featuring information in the field of online patient and healthcare advocacy; providing information in the field of online patient and healthcare advocacy."*

Here, Applicant believes that the above description of services as written is acceptable and is properly classified in Class 45 for several reasons. First, Applicant owns a corresponding trademark application for HEALTHEVOICES with a design, and that application lists Class 45 services identical to those listed above. Moreover, the subject matter of the information services provided by Applicant – healthcare advocacy consulting – is classified in Class 45.

**Consistency In Marks:**

The current Class 45 identification of services is properly listed in Class 45 and should not require further amendment. Applicant already holds an allowed trademark application for the design mark that corresponds to the subject word mark which contains this exact identification of services. For reference, Applicant is the owner of Application Serial No. 86/922567, for the mark HEALTHEVOICES and Design. This mark was published on May 24, 2016, and a notice of allowance issued for this application on July 19, 2016. The

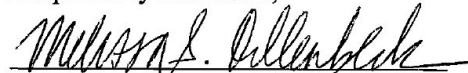
HEALTHEVOICES and Design mark covers goods and services in Classes 16, 41, and 45, and the Class 45 services were approved for the following services: *"Providing a website featuring information in the field of online patient and healthcare advocacy; providing information in the field of online patient and healthcare advocacy."* Applicant's use of these corresponding marks is identical as they are part of the same overall program; therefore, it follows that the goods and services in the applications should reflect that identical use with identical descriptions.

*Information Services Subject Matter:*

In addition to ensuring consistency within Applicant's HEALTHEVOICES marks, Applicant also considers Class 45 to be the proper classification for its services, since "information services" are to be classified according to the subject matter of the information. See T.M.E.P. Section 1402.11(b). In this case, the subject matter of Applicant's information services is healthcare advocacy consulting services. A search of the ID Manual and existing registrations for "healthcare advocacy consulting services" places such services in Class 45. For example, both Reg. No. 4910275 for MOBILE CARE COORDINATOR and Reg. No. 4583045 for GUARDIAN NURSES are registered in Class 45 for "healthcare advocacy consulting services." Therefore, Class 45 is the proper classification.

In view of the foregoing, Applicant believes that no amendment to the Class 45 description of services is necessary in this application, and that these services are properly classified in Class 45. Applicant respectfully requests that the mark be approved for publication.

Respectfully submitted,

  
Melissa S. Dillenbeck

Associate Attorney for Applicant  
DRINKER BIDDLE & REATH LLP  
191 North Wacker Drive, Suite 3700  
Chicago, Illinois 60606  
(312) 569-1000

Date: 9/21/16

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**TRADEMARK:**           **HEALTHVOICES**  
**APPLICANT:**         **Johnson & Johnson**  
**SERIAL NO.:**         **86/744925**

**ASSOCIATE POWER OF ATTORNEY**

Applicant hereby appoints Melissa S. Dillenbeck, Jennifer L. Dean, Darren S. Cahr, Mita K. Lakhia, Nathan Pollard, Tore DeBella and Kelly Horein, having an address c/o Drinker Biddle & Reath LLP, 191 North Wacker Drive, Chicago, IL 60606 to represent Applicant with respect to this application with full power of substitution and revocation to transact business in the United States Patent and Trademark Office in connection therewith and to represent it in proceedings affecting the mark which may arise in the Patent and Trademark Office.

Respectfully submitted,  
**JOHNSON & JOHNSON**

  
**Cheryl Boytlin**  
Assistant Secretary

Date: September 19, 2016


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**TRADEMARK:**           **HEALTHVOICES**  
**APPLICANT:**         **Johnson & Johnson**  
**SERIAL NO.:**         **86/744925**

**ASSOCIATE POWER OF ATTORNEY**

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Respectfully submitted,  
**JOHNSON & JOHNSON**

  
**Cheryl Boytlin**  
Assistant Secretary

Date: September 19, 2016